

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.661 of 2019

Arising Out of PS. Case No.-161 Year-2018 Thana- SONBERSA District- Sitamarhi

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1. JHAPSI MUKHIYA Son of Mohichand Mukhiya Resident of Village - Hanuman Nagar, P.S.- Sonbarsa, Distt - Sitamarhi.
 2. Kishori Mukhiya Son of Shivdhaari Mukhiya Resident of Village - Hanuman Nagar, P.S.- Sonbarsa, Distt - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 26-03-2019

The appellants seek pre arrest bail in connection with Sonbarsa P.S. Case No. 161 of 2018, registered for offences punishable under Sections 302/34 of the Indian Penal Code and Section 3 (2)(Va) of SC/ST Act.

Allegation against the appellants is that they came at the darwaza of the informant and taken away her husband and it is further alleged that appellants and others assaulted the husband of informant by fists, slaps and bricks and also strangulated him, resulting his death.

It has been submitted on behalf of the appellants that as a matter of fact that the deceased had illicit relationship with the wife of appellant no. 2 and due to which, the suspicion has been



raised, and as a matter of fact that the deceased was assaulted by some other persons due to which, he died and the postmortem report also shows that the death is due to cardiac respiratory failure.

Learned Special P.P. opposed the prayer for bail on the ground that the appellants are named in the F.I.R and there is allegation against them also of assaulting the deceased.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant the privilege of pre-arrest bail to the appellants rather they should surrender before the court below and pray for regular bail, which will be disposed of by the court below on the merit of the case, without being prejudiced by the order of this Court.

With the above observation, this appeal is dismissed.

(Vinod Kumar Sinha, J)

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CAV DATE	
Uploading Date	
Transmission Date	

